

Image 1652



Docket No.: 20516 US (C038435/0111694)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:)

Tatsuo HOSHINO, *et al.*)

Serial No.: 09/727,855)

Filed: December 1, 2000)

For: **PROCESS FOR THE
MANUFACTURE OF CAROTENOID
AND BIOLOGICALLY USEFUL
MATERIALS THEREOF**)

Examiner: Nashaatt Nashed

Art Unit: 1652

New York, New York
March 22, 2004

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed February 20, 2004, which set a one-month shortened statutory period for response. Accordingly, this Response is timely filed with an executed certificate of mailing on or before March 22, 2004, because March 20, 2004, was a Saturday. 37 C.F.R. §§ 1.7 and 1.8. It is not believed that this response occasions any fee, but should there be any fee, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

On page 2 of the Office Action, the Examiner issued a three-way restriction requirement pursuant to 35 U.S.C. § 121. The restriction divided the claims into the following allegedly distinct inventions:

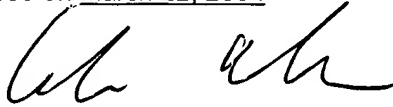
Group I drawn to "a process making carotenoids" containing claims 1-7; Group II drawn to "a DNA encoding mitochondrial superoxide dismutase, an organism comprising a disruption cassette for mitochondrial superoxide dismutase and said cassette" containing claims 8-26, 36 and 37; Group III drawn to "a DNA encoding cytoplasmic superoxide dismutase, an organism comprising a disruption cassette for cytoplasmic superoxide dismutase, and said cassette" containing claims 8-23, 27-29, 36 and 37; Group IV drawn to "a DNA encoding catalase, an organism comprising a disruption for catalase and said cassette" containing claims 8-23, 30-32, 36 and 37; Group V drawn to "DNA encoding transit peptide" containing claims 33 and 34; and Group VI drawn to "a method of locating objective protein" containing claim 35. (Office Action at 2).

In accordance with restriction practice, the subject matter of claims 1-7 (Group I) is hereby elected for prosecution with traverse.

The Examiner also required election among various allegedly "patentably distinct species of the claimed invention: SEQ ID NO's: 1-4, 6 and 8." (Office Action at 3). Although the election of species required by the Examiner is disagreed with, in an effort to further prosecution, we hereby elect to prosecute in this application SEQ ID NO: 1.

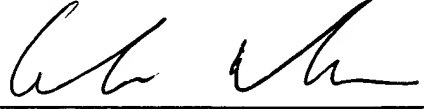
For the reasons set forth above, examination on the merits and allowance of the claims respectfully are requested. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 22, 2004



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Respectfully submitted,

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